

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

REGINALD C. HOWARD,)
vs.) Plaintiff,) Case No. 2:08-cv-00728-GMN-GWF
HOWARD SKOLNIK, et al.,) Defendants.)
ORDER

This matter is before the Court on Plaintiff's Motion to Reopen Discovery (#50), filed June 4, 2010, and Defendants' Response to Plaintiff's Notice to the Court of Documents and Dockets Not Received (#59), filed June 21, 2010.

Plaintiff Reginald Howard moves for the Court to reopen the discovery period in this action in light of the Ninth Circuit’s partial remand to the District Court on March 30, 2010. (#40). Defendants argue that Plaintiff failed to promptly act during the discovery period and that discovery should not be reopened. (#59). In addition, Defendants state that the dispositive motion deadline is currently pending and reopening discovery is not appropriate at this time. (*Id.*)

The Ninth Circuit partially remanded this action because summary judgment was inappropriate as material factual disputes remained related to two of Plaintiff's claims. (9th Cir Case No. 09-15382 at 2-3). The Court of Appeals held that disputed facts exist related to the issue of Defendants' alleged taking of Plaintiff's tapes and whether the cancellation of a prayer service in English was based on a legitimate correctional goal. (*Id.*) As a result of the outstanding material factual disputes, the Court finds further discovery is justified. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Reopen Discovery (#50) is granted. The discovery deadlines shall be:

1. Discovery period ends: **October 7, 2010;**
2. Dispositive motions due: **November 5, 2010;** and
2. Pretrial Order due: **December 3, 2010.**

DATED this 8th day of July, 2010.

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge